



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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May 7, 1990

Mr. Bill Stringer
Moab District
Bureau of Land Management
82 East Dogwood
P. O. Box 970
Moab, Utah 84532

Dear Mr. Stringer:

Re: Hobo #1 Mine Site, Delores Triangle, S/019/023, Grand County, Utah

Pursuant to our recently agreed upon Memorandum of Understanding, I am addressing this letter to the BLM regarding a mine for which the BLM is the designated "lead agency" authority. On April 24, 1990, I inspected the Hobo Mine site, operated by Mr. Delbert Burr (reference your file #U68-P87-05, located in T23S, R25E, Sec. 17, SE), with Mr. Elmer Duncan of your staff. As a result of that inspection, there are several areas of concern that I would like to convey to you. The mine operator involved at this particular site, will be copied a copy of this letter as a means of also alerting the operator to these concerns.

Apparently, a Plan of Operation has been approved at this site. It was approved by the BLM in 1987. Since that time, the operator has developed the site beyond the scope stated in the original Plan of Operation. The area of disturbance has been expanded, as well as roads accessing the site. Because the site is located in a sensitive area adjacent to the Delores River, the Division is concerned that the operator follow all the necessary steps in ensuring environmental compliance.

My initial concerns lie in the fact that the operator has not updated his operating plan, nor did the operator ever notify the Division in regard to this plan, or any plan. Also, the operator has recently initiated several large impacts associated with this site, before gaining approval from either agency. Such impacts include: improving the road accessing the site from the North side of the Delores River and constructing facilities on site which were not in the original Plan of Operation. The operator also plans, in the future, to obtain access to that site by constructing a river crossing at some point north

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of the site, along the Delores River. This would involve further road construction in an area where a road does not presently exist, and quite close to riparian zones along the banks of the Delores River. Such an endeavor would require permits from the State Division of Water Rights (Stream Alteration Permit) and the Federal Army Corp of Engineers (404 Permit).

Apparently, the operator indicated in the initial Plan of Operation, that the disturbance would entail less than 5 acres. From my inspection on April 24, 1990, it is questionable as to whether or not this acreage is, in fact, less than 5 acres. Any acreage over the 5 acre limit, would require mandatory bonding for any mine site under Utah laws. The acreage question needs to be resolved and will probably require another visit to the site.

The operator has constructed several ponds on site, which have not received the proper approval through the Department of Health, State of Utah. Such ponds require a construction permit, whether they discharge or not. Also, these ponds have been constructed relatively close to the Delores River, which jeopardizes the integrity of the riparian area next to the river and the river itself, in the event of a large rainfall event. In the initial Plan of Operation, the operator was asked not to construct anything within 20 feet of the river. It is debateable whether or not the operator has kept to this stipulation, as loose material, evolved from the mining operation, is presently perched on the banks of the Delores River.

During our inspection, on the 24th, we encountered two individuals on site. One, a Mr. Arland Spurry, indicated that the operator had been very active in cleaning up old debris on the site from a previous pre-law mining operator. According to my conversation with Mr. Elmer Duncan afterwards, this is indeed the case. The site was quite a mess before the new operator took control of it. The new operator has carted away a great deal of debris from the old mining disturbance, which was one of the agreements made in the original Plan of Operation. I feel that the operator should be commended for taking this type of initiative, and I would take this as an indication that the Division and the BLM will be able to work with this operator in sorting out any of the present outstanding problems at this site.

Because the operator has upgraded and widened, straightened out, and expanded an old jeep trail to access this site (without prior approval from the BLM), we feel that some type of reclamation should be performed after the conclusion of mining activities on this road. Apparently, Grand County has assumed responsibility for this road. It is unclear at this time, whether or not Grand County helped the operator with this initial road

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construction. Mr. Brad Palmer, Area Manager, Grand Resource Area, indicated to me that the BLM might require the County to reclaim this road back to its pre-mining condition as part of the present right-of-way agreement. I have spoken to Mr. Doug Fullmer, of State Lands and Forestry concerning a portion of this road that crosses state land. He also indicated to me that the County would be asked to reclaim that portion of the road that was not in existence before the recent upgrading of that road.

Thank you for your attention to this issue. Please call me if you have any questions concerning this letter. Also please copy me on any future correspondence to Mr. Delbert Burr.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Shepherd", written in dark ink.

Holland Shepherd
Reclamation Specialist/
Southeastern Utah Permit Lead

jb
cc: Delbert Burr, Operator
Chad Gourley, Water Rights
Steve McNeil, BWPC
Brad Palmer, BLM, Grand RA
Wayne Hedberg, DOGM
WMN/5-7